

In re patent application of:

Hageman, et al.

Serial No.: 10/015,256

Filed: December 13, 2001

Group Art Unit: 2175

Examiner: Chojnacki, Mellissa M.

Atty. Docket No.: YOR920010721US1

For: SECURITY AND AUTHORIZATION DEVELOPMENT TOOLS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF KIMBERLY BAUMANN**

Sir:

I, Kimberly Baumann, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of Gibb I.P. Law Firm, LLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at Gibb I.P. Law Firm, LLC.
3. Based on my personal knowledge of the procedures followed by Gibb I.P. Law Firm, LLC, in the Docketing Department for handling PTO correspondence received, I conclude that the Notice of Allowance dated November 4, 2008 for Serial No. 10/015,256, referred to in our docket system by docket number YOR.5047, was never received by Gibb I.P. Law Firm, LLC.

4. An individual employed in the Docketing Department of Gibb I.P. Law Firm, LLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual, in our docket system, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, a Notice of Allowance must be answered within the response time specified therein (within three months of the mailing date) and so an entry would be made in the docket system on a due date for the required period of time for the Notice of Allowance. Attached as Exhibit A to my Declaration is the printout from Gibb I.P. Law Firm, LLC's master docket system from January 14, 2009 to February 14, 2009 which shows all items having a due date of February 4, 2009, (the three month non-extendable due date for payment of the issue fee for the alleged mailing date of the November 4, 2008 Notice of Allowance). As can be seen from Exhibit A, there is no entry for the above-identified application YOR.5047 (Serial Number 10/015,256) on our master docket printout, indicating that the Notice of Allowance dated November 4, 2008 in question was never received by Gibb I.P. Law Firm, LLC.

6. Also attached hereto is Exhibit B, the individual docket sheet for docket YOR.5047. Exhibit B demonstrates that serial number 10/015,256 corresponds to docket number YOR.5047 and that the last item received in docket YOR.5047 was the Board's Answer on October 24, 2007. This also demonstrates that no Notice of Allowance was received for docket YOR.5047.


7. Attached as Exhibit C are copies of sheets from the incoming mail log. As each item of mail is received from the PTO, it is logged in the incoming mail log. The sheets in Exhibit C are from October 31, 2008 to December 11, 2008 (5 days prior to, and a month after the November 4, 2008 mailing date). Serial Number 10/015, 256 does not appear on these sheets. This further demonstrates that the November 4, 2008 Notice of Allowance was not received by our office.

8. Based on my review of Exhibits A-C, and on my personal knowledge of the procedures followed by Gibb I.P. Law Firm, LLC in the Docketing Department, I conclude that the Notice of Allowance for Serial No. 10/015,256, docket number YOR.5047, dated November 4, 2008 was never received by Gibb I.P. Law Firm, LLC.

9. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kim Baumann", written over a horizontal line.

Kimberly Baumann  
Manager, Docketing Department

Date: 4/30/09

Gibb I.P. Law Firm, LLC  
2568-A Riva Road Suite 304  
Annapolis, MD 21401  
410-573-1545

Subject	Location	Start	End	Recurrence Pattern	Categories
ALM.5234 RCE Final ...		Wed 1/14/2009 1...	Thu 1/15/2009 1...		
ALM.5207 PAB Filed		Wed 1/14/2009 1...	Thu 1/15/2009 1...		
BUR.5240 PMR Filed		Thu 1/15/2009 1...	Fri 1/16/2009 12:...		
ALM.5293 CAH Filed		Thu 1/15/2009 1...	Fri 1/16/2009 12:...		
ALM.5257 RCE Final ...		Thu 1/15/2009 1...	Fri 1/16/2009 12:...		
BUR.5206 CAH Filed		Fri 1/16/2009 12:...	Sat 1/17/2009 12:...		
ALM.5196 Appealed ...		Fri 1/16/2009 12:...	Sat 1/17/2009 12:...		
ALM.5167 RCE Final ...		Sat 1/17/2009 12:...	Sun 1/18/2009 1...		
XER.5054 DJL Filed		Sat 1/17/2009 12:...	Sun 1/18/2009 1...		
BUR.5094 RCE		Mon 1/19/2009 1...	Tue 1/20/2009 12:...		
FIS.5123 CAH Filed		Tue 1/20/2009 12:...	Wed 1/21/2009 1...		
ALM.5230 CAH Filed		Tue 1/20/2009 12:...	Wed 1/21/2009 1...		
ALM.5233 Appealed ...		Wed 1/21/2009 1...	Thu 1/22/2009 1...		
ALM.5132 Appeal Bri...		Wed 1/21/2009 1...	Thu 1/22/2009 1...		
FIS.5118 PMR (2x) Fil...		Thu 1/22/2009 1...	Fri 1/23/2009 12:...		
BUR.5247 PMR Filed		Thu 1/22/2009 1...	Fri 1/23/2009 12:...		
XER.5022 CAH Filed		Sat 1/24/2009 12:...	Sun 1/25/2009 1...		
XER.5135 FWG Filed		Tue 1/27/2009 12:...	Wed 1/28/2009 1...		
BUR.5149 Appealed ...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5109 RCE Final ...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5140 RCE Final ...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
BUR.5187 RCE Final F...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5066 PAB Filed		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
SVL.5000 PAB Filed		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
XER.5017 DJL Filed		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
YOR.5098 (Reopene...		Wed 1/28/2009 1...	Thu 1/29/2009 1...		
ALM.5206 RCE Final ...		Thu 1/29/2009 1...	Fri 1/30/2009 12:...		
YOR.5109 RCE Final ...		Thu 1/29/2009 1...	Fri 1/30/2009 12:...		
ALM.5114 PAB Filed		Fri 1/30/2009 12:...	Sat 1/31/2009 12:...		
BUR.5237 Abandon F...		Sat 1/31/2009 12:...	Sun 2/1/2009 12:...		
XER.5003 Foreign Co...		Sat 1/31/2009 12:...	Sun 2/1/2009 12:...		
ALM.5118 Appeal Bri...		Mon 2/2/2009 12:...	Tue 2/3/2009 12:...		
BUR.5221 CAH Filed		Fri 2/6/2009 12:0...	Sat 2/7/2009 12:0...		
YOR.5119 CAH Filed		Sat 2/7/2009 12:0...	Sun 2/8/2009 12:...		
ALM.5015 Filed Repl...		Mon 2/9/2009 12:...	Tue 2/10/2009 12:...		
XER.5044 DJL Filed		Tue 2/10/2009 12:...	Wed 2/11/2009 1...		
FIS.5170 DJL Filed		Tue 2/10/2009 12:...	Wed 2/11/2009 1...		
ALM.5237 Abandone...		Tue 2/10/2009 12:...	Wed 2/11/2009 1...		
ALM.5067 Allowed Fi...		Tue 2/10/2009 12:...	Wed 2/11/2009 1...		
XER.5083 FWG E.H. F...		Tue 2/10/2009 12:...	Wed 2/11/2009 1...		
ALM.5198 Filed App...		Tue 2/10/2009 12:...	Wed 2/11/2009 1...		
FIS.5094 RCE Final Fil...		Thu 2/12/2009 1...	Fri 2/13/2009 12:...		
XER.5042 DJL Filed		Thu 2/12/2009 1...	Fri 2/13/2009 12:...		
ALM.5201 PMR Filed		Thu 2/12/2009 1...	Fri 2/13/2009 12:...		
ALM.5223 PAB Filed		Fri 2/13/2009 12:...	Sat 2/14/2009 12:...		
XER.5013 CAH Filed		Fri 2/13/2009 12:...	Sat 2/14/2009 12:...		
BUR.5201 Filed CAH		Fri 2/13/2009 12:...	Sat 2/14/2009 12:...		
ALM.5086 RCE Final ...		Fri 2/13/2009 12:...	Sat 2/14/2009 12:...		
ALM.5160 Final Filed...		Fri 2/13/2009 12:...	Sat 2/14/2009 12:...		
ALM.5212 PMR Filed		Fri 2/13/2009 12:...	Sat 2/14/2009 12:...		
ALM.5205 Filed CAH		Sat 2/14/2009 12:...	Sun 2/15/2009 1...		

Serial No. 10/015,256

Our Ref	YOR.5047	Responsible Atty	MSR
Inventors	Mary I. Hageman, Elmer M. John	Serial No	10/015,256
Client's Ref	YOR9-2001-0721-US1	Title	Security and authorization develo
Filed	12/13/2001	Client's Attorney	MAE
Last Item Entered in File	Board's Answer Rec'd		
Date of Last Item	10/24/2007		
Next Action	Office Action/Notice of Allowance	Next Due Date	3 /25/2009
Date Docketed	10/26/2007	Docketed By	KB
Issue Date		Destroyed	
US Pat No.		Divisional possible?	
Comments	formals filed 2/5/02	Foreign filing Date	
Attorney	FWG/MSR		

EXHIBIT B

Date	Correspondence	Serial No.	Signature	D
10/31/08	Final OA	11/176,932	Kb	11/
10/31/08	NOA	11/269,486	Kb	11/
11/3/08	NOA	10/643,644	Kb	11/
11/3/08	NOA	11/550,814	Kb	11/
11/3/08	NOA	11/539,233	Kb	11/
11/3/08	NOA	11/306,748	Kb	11/
11/3/08	NOA	11/186,748	Kb	11/
11/3/08	Non-Final OA	10/734,793	Kb	11/
11/3/08	Decision on Appeal	09/863,921	Kb	11/
11/3/08	Final OA	11/556,275	Kb	11/
11/3/08	Non-Final OA	11/858,147	Kb	11/
11/3/08	Advisory Action	10/905,587	Kb	11/
11/5/08	NOA	11/548,848	Kb	11/
11/5/08	Advisory Action	11/340,203	Kb	11/
11/7/08	NOA	11/359,168	Kb	11/
11/7/08	Advisory Action	11/838,967	Kb	11/
11/7/08	Advisory Action	10/905,428	Kb	11/
11/10/08	missing parts notice	12/250,591	Kb	11/
11/10/08	Not. Abandonment	29/304,594	Kb	11/
11/10/08	Not. Abandonment	11/801,009	Kb	11/
11/10/08	Non-Final OA	11/461,793	Kb	11/
11/10/08	Non-Final OA	11/304,293	Kb	11/
11/10/08	Non-Final OA	12/226,843	Kb	11/

e	Date	Correspondance	Serial No.	Signature
	11/10/08	FOA	10/138,857	Kb
	11/10/08	NOA	10/176,941	Kb
	11/10/08	NOA	11/289,152	Kb
	11/10/08	Restriction	12/030,921	Kb
	11/13/08	FOA	11/422,468	Kb
	11/13/08	FOA	10/320,959	Kb
	11/13/08	NFOA	11/766,292	Kb
	11/13/08	NFOA	11/499,364	Kb
>	11/13/08	Restriction	11/672,599	Kb
>	11/13/08	Appeal docketing notice	10/224,878	Kb
>	11/14/08	Appeal docketing notice	10/320,317	Kb
>	11/14/08	Not. Corrected App. papers	12/255,937	Kb
b	11/14/08	Advisory Action	10/862,227	Kb
b	11/14/08	Advisory Action	10/230,910	Kb
cb	11/14/08	Examiner's Answer	10/323,567	Kb
cb	11/14/08	Final OA	10/905,853	Kb
cb	11/14/08	Non-Final OA	11/266,964	Kb
cb	11/14/08	Non-Final OA	11/375,458	Kb
Kb	11/14/08	NFOA	11/395,403	Kb
Kb	11/14/08	NFOA	11/113,528	Kb
Kb	11/14/08	NFOA	11/278,819	Kb
Kb	11/14/08	FOA	10/930,597	Kb
Kb	11/14/08	NFOA	11/485,599	Kb
	11/14/08	FOA	10/674,312	Kb



Date	Correspondance	Serial No.	Signature	Date
11/14/08	Restriction	11/422,622	Kb	11/24
11/14/08	NFOA	11/292,096	Kb	11/24
11/14/08	NFOA	11/183,058	Kb	11/26
11/18/08	NFOA	11/175,741	Kb	11/25
11/18/08	NFOA	11/160,457	Kb	11/26
11/18/08	FOA	11/734,583	Kb	12/11
11/18/08	Non-Comp. Appeal	10/177,956	Kb	12/11
11/18/08	NFOA	10/674,306	Kb	12/11
11/18/08	NOA	11/164,654	Kb	12/11
11/19/08	NFOA	11/774,751	Kb	12/11
11/19/08	FOA	11/462,093	Kb	12/11
11/19/08	Advisory Action	10/855,300	Kb	12/11
11/20/08	NOA	11/280,013	Kb	12/11
11/20/08	NOA	11/838,939	Kb	12/11
11/20/08	NOA	11/623,963	Kb	12/11
11/20/08	Not. Abandonment	11/845,912	Kb	12/12
11/20/08	Advisory Action	09/895,198	Kb	12/10
11/20/08	Decision on Appeal	10/707,908	Kb	12/11
11/24/08	FOA	11/548,388	Kb	12/16
11/24/08	NFOA	11/618,749	Kb	12/10
11/24/08	NFOA	11/140,798	Kb	12/11
11/24/08	NFOA	12/059,114	Kb	12/31
11/24/08	FOA	11/118,538	Kb	12/41

Signature	Date	Correspondance	Serial No.	Signature
b	11/24/08	Non-Comp. Appeal	402,505/	kb
b	11/24/08	Advisory Action	ALM. 5198	kb
b	11/25/08	FOA	101955,255	kb
b	11/25/08	NOA	111841,114	kb
b	11/25/08	NOA	101901,275	kb
b	12/1/08	NFOA	111079,871	kb
kb	12/1/08	Advisory Action	111119,652	kb
kb	12/1/08	FOA	111008,538	kb
kb	12/1/08	FOA	101309,447	kb
b	12/1/08	NFOA	111833,500	kb
b	12/1/08	Restriction	111833,567	kb
b	12/1/08	FOA	101707,978	kb
b	12/1/08	NFOA	111236,273	kb
b	12/1/08	FOA	091887,629	kb
b	12/1/08	Non-Comp. Appeal	111237,366	kb
b	12/1/08	NFOA	101909,107	kb
b	12/1/08	FOA	111160,703	kb
b	12/1/08	FOA	101707,973	kb
b	12/1/08	FOA	121054,545	kb
b	12/1/08	FOA	101990,549	kb
b	12/1/08	Species Reg.	111737,879	kb
b	12/3/08	Not. of Abandonment	111535,157	kb
b	12/4/08	NFOA	111427,817	kb

Date	Correspondance	Serial #	Signature	F
12/14/08	Non-Comp. Amend.	10/152,287	Kb	12
12/14/08	Cert. of Correction	11/538,821	Kb	12
12/14/08	Not. drawing incomp.	11/306,748	Kb	12
12/14/08	NFOA	12/132,710	Kb	12
12/14/08	NFOA	10/1908,755	Kb	12
12/14/08	312 Response	11/1462,508	Kb	12
12/10/08	Not. Allowance	11/869,146	Kb	12
12/10/08	Response to Rule 312	11/260,645	Kb	12
12/10/08	Non-Comp. Amend.	11/228,888	Kb	12
12/10/08	Decision on Petition	11/231,205	Kb	12
12/10/08	NFOA	10/1727,776	Kb	12
12/10/08	NFOA	11/1078,085	Kb	12
12/10/08	FOA	12/1061,778	Kb	12
12/10/08	NFOA	10/1729,814	Kb	12
12/10/08	FOA	11/349,582	Kb	12
12/10/08	Restriction	11/672,599	Kb	12
12/10/08	Examiner's Answer	09/686,641	Kb	12
12/10/08	FOA	12/1061,778	Kb	12
12/10/08	NFOA	11/1078,085	Kb	12
12/11/08	Non-Comp. Amend.	11/191,426	Kb	12
12/11/08	NFOA	11/866,594	Kb	12
12/11/08	NOA	11/279,666	Kb	12
12/11/08	NOA	10/1906,809	Kb	12